

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EAST RIVER CAPITAL, INC. and ERC ACCESS, INC.,

Plaintiffs,

v.

VLD ACCESS, INC., STEPHEN DUNN, ROUTE  
CONSULTANT, INC., and RUMMY INC.,

Defendants.

Case No. 19-cv-1398-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on the “Voluntary Dismissal” filed by s East River Capital, Inc. (“East River”) and ERC Access Inc. (“ERC”) of defendant VLD Access, Inc., Stephen Dunn, and Rummy, Inc. (Doc. 50). The filing has been docketed as a notice of dismissal but is more appropriately construed as a motion for voluntary dismissal in light of the fact that the defendants sought to be dismissed have already filed an answer (Doc. 22). Federal Rule of Civil Procedure 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal of an entire case signed by all the parties.

The Court notified the parties of this on September 1, 2020, and that the Court would consider any responses filed on or before the response deadline set forth in Local Rule 7.1(c). That deadline has passed, and no party has responded to the motion. There being no objection, the Court **GRANTS** the motion to dismiss (Doc. 50), **DISMISSES with prejudice** all claims in this case against defendants VLD Access, Inc., Stephen Dunn, and Rummy, Inc., and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case. Those defendants are terminated from this case.

**IT IS SO ORDERED.**

**DATED: October 5, 2020**

s/ J. Phil Gilbert \_\_\_\_\_

**J. PHIL GILBERT**  
**DISTRICT JUDGE**